

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALFRED BLOUNT,

Plaintiff,

-against-

JAMES R. STEVENS,

Defendant.

**STIPULATION AND
ORDER OF
DISCONTINUANCE
PURSUANT TO RULE
41(A)**

09-CV-1269

NAM/DRH/VEB

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, plaintiff Alfred Blount, appearing *pro se*, and Eric T. Schneiderman, Attorney General of the State of New York, Bruce J. Boivin, Assistant Attorney General, of counsel, appearing for defendant James Stevens, parties to the above entitled-action, that, whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the action, the above-entitled action be and the same hereby is settled on the particular circumstances of this case, on the following terms and conditions, which it is agreed are of and shall have no legal precedential value in any other case either between the parties to this case or any other parties:

1. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, plaintiff hereby discontinues this action with prejudice and without damages, costs, interest or attorneys fees, under

the conditions described in Paragraph 5 of this agreement, and discharges and releases defendant Stevens, and the State of New York, including its agencies, subdivisions, employees, private contractors or assignees, of any and all claims, demands, or causes of actions, known or unknown, now existing or hereafter arising, whether presently asserted or not, which relate in any way to the subject matter of this action and any claim concerning plaintiff's incarceration within the NYS Department of Correctional Services, and further agrees to discontinue and/or not to commence or to pursue in any court, arbitration or administrative proceeding, any litigation, appeal or claim against the defendant and others released hereby pertaining to the underlying facts, circumstances or incidents that gave rise to the aforementioned actions, or any results of the aforementioned facts, circumstances or incidents or any claim whatsoever concerning plaintiff's incarceration within the NYS Department of Correctional Services.

2. This action is hereby discontinued with prejudice pursuant to Rule 41 (a) of the Federal Rules of Civil Procedure.

3. The parties agree that no provision of this settlement shall be interpreted to be an acknowledgment of the validity of any of the allegations or claims that have been made in the action.

4. This settlement does not constitute a determination of, or admission by any party to any underlying allegations, facts or merits of their respective positions. The settlement of this action is limited to the circumstances in this case alone and shall not be given effect beyond the specific provisions stipulated to. This settlement does not form and shall not be claimed as any precedent for, or an agreement by the parties to any generally applicable policy or procedure in the future.

5. Following the execution of this Stipulation, and its being ordered by the Court, the defendant shall pay to plaintiff the sum of ONE THOUSAND (\$ 1,000.00) Dollars in full settlement of any and all claims. The above amount shall constitute all sums to which plaintiff is entitled, including but not limited to damages, costs, and attorney's fees. Plaintiff hereby acknowledges that he is not entitled to any other moneys or consideration of any kind. The above amount shall be made payable to "Alfred Blount" and mailed to: Alfred Blount, Freedom Residence XI, 373 East 154th Street, Bronx, NY 10455.

6. Payment by defendant of the amount specified in paragraph 5 is conditioned on the approval of all appropriate state officials in accordance with the provisions for indemnification under section 17 of the New York Public Officers Law.

7. Payment of the amount in paragraph 5 will be made within one hundred and twenty (120) days after the approval of this Stipulation by the Court and receipt by defendants' counsel of a copy of this so-ordered stipulation, unless the provisions of Chapter 62 of the Laws of 2001 apply to the plaintiff and the payment hereunder constitutes "funds of a convicted person" under the Son of Sam Law, in which event, the one hundred and twenty (120) day payment period shall be extended by an additional thirty (30) days to allow for compliance with that law.

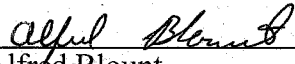
8. This stipulation shall be null and void if the approvals referred to in paragraph 6 are not obtained, and these actions shall then be placed back on the active docket without prejudice.

9. In the event that the terms of paragraph 6 are satisfied, but payment is not made within the 120 day or 150 day period set forth in paragraph 7, interest shall begin to accrue on the

outstanding principal balance at the statutory rate on the 121st day after court approval or the or 151st day after court approval if the provisions of Chapter 62 of the Laws of 2001 apply to the plaintiff.

10. The foregoing constitutes the entire agreement of the parties.

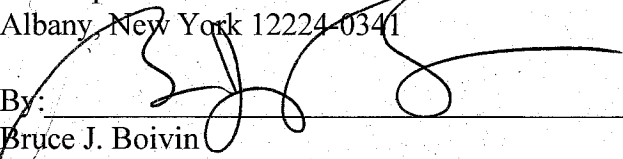
Dated: Bronx, New York
February 10, 2011



Alfred Blount
Plaintiff *pro se*
Freedom Residence XI
373 East 154th Street
Bronx, NY 10455

Dated: Albany, New York
February 10, 2011

ERIC T. SCHNEIDERMAN
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By: 

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Dated: Albany, New York
February 10, 2011

SO ORDERED:



HON. VICTOR BIANCHINI
UNITED STATES MAGISTRATE JUDGE